

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Leroy Merle Hurd, III

Docket No. 7:09-M-1116-1

Petition for Action on Probation

COMES NOW Djon B. Barrett, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Leroy Merle Hurd, III, who, upon an earlier plea of guilty to Level 5 Driving While Impaired, in violation of 18 U.S.C. 13, N.C.G.S. 20-138.1, was sentenced by the Honorable Robert B. Jones, Jr., U.S. Magistrate Judge, on August 11, 2010, to a 12 month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
2. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
3. The defendant shall surrender his North Carolina driver's license to the Clerk of this Court for mailing to the North Carolina Division of Motor Vehicles and not operate a motor vehicle on the highways of the State of North Carolina except in accordance with the terms and conditions of a limited driving privilege issued by the appropriate North Carolina Judicial Official.
4. The defendant shall participate in any drug/alcohol program as recommended by the supervising probation officer.
5. The defendant shall pay a special assessment of \$10 and a fine of \$200.

On October 1, 2010, a Violation Report was submitted to the court reporting the defendant had been charged with Driving While License Revoked in Onslow County, North Carolina. The probation officer recommended, and the court agreed, to hold this violation in abeyance and allow supervision to continue.

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RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On January 24, 2011, the defendant reported that he had just been released from the psychiatric ward at Duplin County Memorial Hospital. The defendant advised he was admitted because he had been very depressed and was suicidal. He was a patient for 20 days and physicians released him with a recommendation for follow-up outpatient mental health treatment.

The defendant is currently unemployed and is living with friends in Jacksonville, North Carolina. We are recommending probation be modified to include mental health treatment. This modification would afford the defendant the opportunity to seek mental health counseling through our contract vendor, Coastal Carolina Neuropsychiatric Center.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall participate in a program of mental health treatment, as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

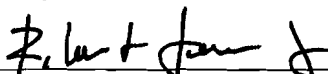
/s/ Kevin L. Connolley
Kevin L. Connolley
Supervising U.S. Probation Officer

/s/ Djonni B. Barrett
Djonni B. Barrett
U.S. Probation Officer
472-C Western Blvd.
Jacksonville, NC 28546-6862
Phone: (910) 347-9038
Executed On: February 11, 2011

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ORDER OF COURT

Considered and ordered this 11th day of February, 2011, and ordered filed and made a part of the records in the above case.



Robert B. Jones, Jr.
U.S. Magistrate Judge